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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,435	12/27/2000	Konomu Hirao	10873.632US01	4173

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EXAMINER

ALEXANDER, LYLE

ART UNIT	PAPER NUMBER
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1743

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DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS9

Office Action Summary

Application No.

09/748,435

Applicant(s)

HIRAO ET AL.

Examiner

Lyle A Alexander

Art Unit

1743

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4,6-7,10-17,19-20 and 24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bunce et al.

See the appropriate paragraph of paper 6.

Claims 1,3,6-11,14-21 and 24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Douglas et al.

See the appropriate paragraph of paper 6.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5,18 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunce et al.

See the appropriate paragraph of paper 6.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunce et al. in view of Douglas et al.

See the appropriate paragraph of paper 6.

Claims 2 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas et al. in view of Bunce et al.

See the appropriate paragraph of paper 6.

Art Unit: 1743

Claims 4-5 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas et al.

See the appropriate paragraph of paper 6.

Response to Arguments

Applicants' remarks filed 3/13/03 were not convincing.

Applicants state the prior art fails to teach "development portion". In the absence of Applicants better defining the structure of the development portion, the Office maintains the art teaches an intervening area that is read on the claimed development portion.

Applicants' state Bunce et al. fails to teach the claimed groove. The Office maintains the position of paper 6 "the asymmetric porous membrane(51) is folded to create a "U" shape having two grooves on the bottom that contacts strip(512)" which meets the limitations of the instant claims.

Applicants' traverse the 35 USC 103 rejection of claims 5,18 and 21-23 over the Bunce et al. because of the above arguments made with respect to claim 1. The remarks concerning claim 1 were not convincing for the above reasons and 35 USC 103 rejections of these claims is maintained.

Applicants traverse the rejection of remainder of the claims on the basis Bunce et al. is silent to a development portion. Reiterating the comments above, in the absence of defining what structure is intended by "development portion", the instant claims have been properly read on Bunce et al.

Art Unit: 1743

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lyle A Alexander whose telephone number is 703-308-3893. The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 703-308-4037. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9319 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

Lyle A Alexander
Primary Examiner
Art Unit 1743

May 12, 2003

